

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTOINE GORUM, a.k.a. RONALD
CLARK,

Plaintiff,

vs.

JAMES G. COX, et al.,

Defendants.

Case No. 2:13-cv-01412-KJD-GWF

ORDER

Plaintiff, who is in the custody of the Nevada Department of Corrections, has submitted a second amended civil rights complaint pursuant to 42 U.S.C. § 1983 (#41) and an application to proceed in forma pauperis (#2). The court finds that plaintiff is unable to prepay the full filing fee in this matter, but plaintiff will need to pay the filing fee through monthly installments.

Plaintiff has filed a motion to correct an error in the screening order (#55). In dismissing count I, count III, and part of count II, the court had stated that plaintiff was involved in a fight, was found guilty in prison disciplinary proceedings, and lost credits toward an earlier release from prison. Order (#53), at 2. Petitioner is correct that the statement about prison disciplinary proceedings was an error. However, his motion is moot. Plaintiff still lost credits toward an earlier release, and thus he could not proceed with those counts in this action unless and until he had the credits restored through other means. Furthermore, counsel for respondents has access to plaintiff's prison disciplinary records and would know the truth, regardless of any errors in this court's order.

IT IS THEREFORE ORDERED that plaintiff's motion to amend or correct (#55) is

DENIED.

1 IT IS FURTHER ORDERED that:

- 2 1. Plaintiff's application to proceed in forma pauperis (#2) is **GRANTED**. Plaintiff
3 shall not be required to pay an initial installment of the filing fee. If this action is
4 dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).
- 5 2. The movant herein is permitted to maintain this action to conclusion without the
6 necessity of prepayment of any additional fees or costs or the giving of security
7 therefor. This order granting leave to proceed in forma pauperis shall not extend to
8 the issuance of subpoenas at government expense.
- 9 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay
10 to the clerk of the United States District Court, District of Nevada, 20% of the
11 preceding month's deposits to plaintiff's account (inmate #65115), in the months that
12 the account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this
13 action. The clerk of the court shall send a copy of this order to the finance division
14 of the clerk's office. The clerk shall also send a copy of this order to the attention of
15 the Chief of Inmate Services for the Nevada Department of Corrections, P.O. Box
16 7011, Carson City, NV 89702.
- 17 4. The clerk shall electronically serve a copy of this order, a copy of the court's
18 screening order (#53) and a copy of plaintiff's second amended complaint (#41) on
19 the Office of the Attorney General of the State of Nevada, attention Kat Howe.
- 20 5. Subject to the findings of the screening order (#53), within **twenty-one (21) days** of
21 the date of entry of this order, the Attorney General's Office shall file a notice
22 advising the court and plaintiff of: (a) the names of the defendants for whom it
23 accepts service; (b) the names of the defendants for whom it does not accept service,
24 and (c) the names of the defendants for whom it is filing last-known-address
25 information under seal. As to any of the named defendants for which the Attorney
26 General's Office cannot accept service, the Office shall file, under seal, the last
27 known address(es) of those defendant(s) for whom it has such information.
28

- 1 6. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a
2 motion identifying the unserved defendant(s), requesting issuance of a summons, and
3 specifying a full name and address for the defendant(s). For the defendant(s) as to
4 which the Attorney General has not provided last-known-address information,
5 plaintiff shall provide the full name and address for the defendant(s).
- 6 7. If the Attorney General accepts service of process for any named defendant(s), such
7 defendant(s) shall file and serve an answer or other response to the complaint within
8 sixty (60) days from the date of this order.
- 9 8. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been
10 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
11 document submitted for consideration by the court. Plaintiff shall include with the
12 original paper submitted for filing a certificate stating the date that a true and correct
13 copy of the document was mailed to the defendants or counsel for the defendants. If
14 counsel has entered a notice of appearance, the plaintiff shall direct service to the
15 individual attorney named in the notice of appearance, at the address stated therein.
16 The court may disregard any paper received by a district judge or magistrate judge
17 which has not been filed with the Clerk, and any paper received by a district judge,
18 magistrate judge, or the Clerk which fails to include a certificate showing proper
19 service.

20 IT IS SO ORDERED.

21 DATED: January 15, 2015



KENT J. DAWSON
United States District Judge